



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

## BOOK REVIEWS

---

CONSTITUTIONAL POWER AND WORLD AFFAIRS, Columbia University Lectures, on the George Blumenthal Foundation, for 1918, by George Sutherland. New York, Columbia University Press, 1919, pp. vii, 202.

This book is one of the most interesting and thoughtful commentaries on certain phases of our Constitution which has appeared in many years. During his two terms in the United States Senate Mr. Sutherland came to be recognized as one of the ablest constitutional lawyers of the country, and his retirement in 1917 was a distinct loss to our public life. The present book is the product not only of exact, scholarly study of the subject, but is enriched by the varied experience of its author in the actual moulding of our governmental institutions during an important period. This appears particularly in the chapters on the treaty-making power.

As indicated by the title the book is concerned chiefly with those provisions of the Constitution dealing with the powers relating to foreign relations, including the power to acquire and govern territory. Senator Sutherland is very frankly a believer in a strong national government in all external relationships, and contends that the so-called reserved powers of states are not limitations upon the war and treaty powers of the federal government. It is difficult to understand how the old states-rights doctrine as applied to our foreign affairs, has survived the numerous decisions of the Supreme Court sustaining treaties containing provisions at variance with certain state laws in question, affecting matters ordinarily within the police power of the several states. (See, for example, *Ware v. Hylton*, 3 Dall. 199, 1 L. ed. 568; *Chirac v. Chirac*, 2 Wheat 259, 4 L. ed. 234; *Hauenstein v. Lynham*, 100 U. S. 483, 25 L. ed. 628; *Geofroy v. Riggs*, 133 U. S. 258, 33 L. ed. 642. But theories not infrequently are more stubborn than facts, particularly when they are, or have been, the weapons in political controversy; and the "states-rights" theory of our treaty-making power has survived, at least in dialectical discussion, and has been only recently, ably presented in Henry St. George Tucker's "LIMITATIONS ON THE TREATY-MAKING POWER" published in 1915. Senator Sutherland agrees in the main with the sounder view presented by Professor Edward S. Corwin in his book, *NATIONAL SUPREMACY*, 1913, reviewed in 13 MICH. L. REV. 65.

An interesting and logically unassailable passage, pp. 128-132, contains the author's dissent from the view of the majority of the Senate that the arbitration treaties negotiated in 1905 by President Roosevelt and in 1911 by President Taft, were as presented to the Senate, unconstitutional in that they authorized the President to adjust certain kinds of international differences of a legal nature, without the advice and consent of the Senate. It is unfortunate that the broader and sounder view of Senator Sutherland did not prevail. On the other hand, the author sustains the now pretty generally

accepted view that the Senate's granted function of advising the President in relation to treaties is a genuine grant of power, which authorizes the Senate to advise concerning pending treaty negotiations. Senator Sutherland would scarcely approve of the method adopted by our Government, perhaps perforce, in the recent negotiations at Versailles.

There is a very good statement in Chapter III of the real basis of the power of the United States to govern territories. Concerning this power even the Supreme Court, has at times, seemed inexcusably confused. The true source of the power is to be found not in Art. IV. Sec. 3, providing that "The Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory of the United States," but rather in the inherent sovereignty of the United States in all external relationships.

In his final chapter written before the present unfortunate controversy relating to the Covenant of the League of Nations, Senator Sutherland expresses his preference for a development of international arbitration and the principles of The Hague Conferences, to the more complicated, and as he believes dangerous and impracticable scheme of a League.

The book is printed substantially as it was prepared for oral delivery as lectures and is without an apparatus of supporting cases and other authorities, for the most part; it is nevertheless the result of careful research and is a fruitful and timely discussion of matters of profound interest to the nation.

HENRY M. BATES.

---

BRITISH LABOR CONDITIONS AND LEGISLATION DURING THE WAR. Monograph by M. B. Hammond, Professor of Economics, Ohio State University, No. 14 in the series of Preliminary Economic Studies of the War, Edited by David Kinley, Professor of Political Economy, University of Illinois, for the Carnegie Endowment for International Peace. Oxford University Press, New York, 1919.

The ten chapters of this work may be roughly divided into three parts:

A rapid survey of legislation and conditions affecting the workers in the decade preceding the war, with especial emphasis on the situation immediately before its outbreak;

A narrative account of legislation with accompanying statistical data from August, 1914 to June, 1918; and

A resume of the causes of industrial unrest arising out of the war conditions and of the measures proposed for satisfying those aspirations of the workers which appeared to underlie the unrest.

The student will feel that he may not omit any portion of this work, though the last two chapters, comprising the third of the above divisions, will doubtless be of much greater interest to the general reader. One rather questions whether the great detail of figures which accompany the narrative portion will prove to be of such permanent value as to justify the labor that must have been expended in their compilation and inclusion in the text. They